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PATENT  
Customer No. 22,852  
Attorney Docket No. 07414.0018

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Hon SHIN et al. ) Group Art Unit: 1743  
Application No.: 09/496,408 ) Examiner: Jill Alice Warden  
Filed: February 2, 2000 )  
For: APPARATUS AND METHOD FOR )  
EJECTING SAMPLE WELL TRAYS )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. §1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the U.S. patent publications are not enclosed. Copies of the remaining listed documents (foreign and non-patent literature documents) are enclosed.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the claimed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement that is not otherwise accounted for, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: October 26, 2004

By: Troy E. Grabow  
Troy E. Grabow  
Reg. No. 43,440

10/27/2004 RFERDUL 00000034 09496408  
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Complete if Known

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

(Use as many sheets as necessary)

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of

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Application Number	09/496,408
Filing Date	February 20, 2000
First Named Inventor	Hon S. SHIN et al.
Art Unit	1743
Examiner Name	Jill Alice Warden

OCT 26 2004

TRADEMADE

Attorney Docket Number

07414.0018

## U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

Examiner Initials	Cite No. <sup>1</sup>	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-3,634,651	01/11/1972	Siegel et al.	
		US-4,094,641	06/13/1978	Friswell	
		US-4,096,965	06/27/1978	Lessnig et al.	
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		US-6,555,792	04/29/2003	Elsener et al.	
		US-6,638,761	10/28/2003	Shin et al.	

Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Country	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		DE 195 01 298 C1	02/08/1996	Germany		Yes
		EP 0 379 437 B1	07/25/1990	EPO		
		EP 0 542 422 A1	05/19/1993	EPO		
		EP 0 606 534 B1	07/20/1994	EPO		
		EP 0 810 030 A1	12/03/1997	EPO		
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		EP 0 836 884 A2	04/22/1998	EPO		English abstract only

Complete if Known

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STATEMENT BY APPLICANT

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Sheet

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Examiner Name	Jill Alice Warden

OCT 26 2004

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	GB 1 427 034	03/03/1976	Great Britain	
	WO 90/08298	07/26/1990	WO	
	WO 98/42442	10/01/1998	WO	
	WO 98/56506	12/17/1998	WO	
	WO 99/17881	04/15/1999	WO	
	WO 99/20395	04/29/1999	WO	

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>6</sup>
		D.C. Uber et al., "Application of Robotics and Image Processing to Automated Colony Picking and Arraying," BioTechniques, Vol. 11, No. 5, 642-44 (1991).	
		Peter Jones et al., "Integration of Image Analysis and Robotics into a Fully Automated Colony Picking and Plate Handling System," Nucleic Acids Research, Vol. 20, No. 17, 4599-4606 (1992).	
		Translation of DE 197 39 119 A1 (DE 197 39 119 A1 was previously submitted in Aug. 1, 2001 Information Disclosure Statement).	
		Elsener et al. v. Shin et al., Patent Interference No. 105,141, "Notice Declaring Interference," Paper No. 1, dated Aug. 13, 2003.	
		Elsener et al. v. Shin et al., Patent Interference No. 105,141, "Interference Initial Memorandum," attached to Aug. 13, 2003 Notice Declaring Interference (Paper No. 1).	
		Elsener et al. v. Shin et al., Patent Interference No. 105,141, "Shin List of Intended Preliminary Motions Under 37 C.F.R. § 1.633," dated Sept. 29, 2003.	
		Elsener et al. v. Shin et al., Patent Interference No. 105,141, "Elsener List of Intended Preliminary Motions," dated Sept. 29, 2003.	
		Elsener et al. v. Shin et al., Patent Interference No. 105,141, "Order Setting Times," Paper No. 18, dated Oct. 2, 2003.	
		Elsener et al. v. Shin et al., Patent Interference No. 105,141, "Order," Paper No. 19, dated Oct. 7, 2003.	
		Elsener et al. v. Shin et al., Patent Interference No. 105,411, "Summary of Telephone Conference," Paper No. 22, dated Oct. 28, 2003.	
		Elsener et al. v. Shin et al., Patent Interference No. 105,141, "Shin Stipulation to Level of Ordinary Skill in the Art," dated Nov. 14, 2003.	
		Elsener et al. v. Shin et al., Patent Interference No. 105,141, "Summary of Telephone Conference," Paper No. 24, dated Nov. 18, 2003.	
		Elsener et al. v. Shin et al., Patent Interference No. 105,141, "Shin Revised Stipulation to Level of Ordinary Skill in the Art," dated Nov. 25, 2003.	
		Elsener et al. v. Shin et al., Patent Interference No. 105,141, "Senior Party Notification of Change of Ownership of the Elsener Patent and Request for Termination of the Interference Proceedings Under 37 C.F.R. § 1.602," dated June 10, 2004.	
		Elsener et al. v. Shin et al., Patent Interference No. 105,141, "Judgment - Rule 602," Paper No. 40, dated July 20, 2004.	
		Opposition to EP 1 088 590 B1 (European Patent Application No. 00 810 855.7), filed Jan. 16, 2003 at European Patent Office, on behalf of AB Applied Biosystems.	
		Opposition to EP 1 088 590 B1 (European Patent Application No. 00 810 855.7), Decision on the Termination of the Opposition Proceedings, issued June 30, 2004, with English translation.	Yes

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.